

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Maurice Vereen,	)	Civil Action No.: 5:21-cv-02122-RBH
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
R. Fife,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court for review of the Report and Recommendation (“R & R”)<sup>1</sup> of United States Magistrate Judge Kaymani D. West, who recommends converting Defendant’s motion to dismiss [ECF No. 38] to a motion for summary judgment and denying that motion. *See* ECF No. 61. To the extent Plaintiff seeks summary judgment in his favor, the Magistrate Judge recommends denying such relief.<sup>2</sup> *See id.*

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

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<sup>1</sup> The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) (D.S.C.).

<sup>2</sup> The R & R notes that in substance Plaintiff’s “Response to Defendant Motion for Summary Judgment” [ECF No. 48] appears to be Plaintiff’s own motion for partial summary judgment. ECF No. 61 at pp. 1–2, 5.

Neither party has filed objections to the R & R,<sup>3</sup> and the time for doing so has expired.<sup>4</sup> In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge's R & R [ECF No. 61], **CONVERTS** Defendant's motion to dismiss to a motion for summary judgment, and **DENIES** Defendant's motion for summary judgment [ECF No. 38]. To the extent Plaintiff seeks summary judgment [ECF No. 48], such relief is **DENIED**.

**IT IS SO ORDERED.**

Florence, South Carolina  
June 8, 2022

s/ R. Bryan Harwell  
R. Bryan Harwell  
Chief United States District Judge

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<sup>3</sup> The Clerk mailed Plaintiff a copy of the R & R on May 6, 2022. *See* ECF No. 62. On May 20, 2022, that mailing was returned as undeliverable and the envelope was marked "RTS-Released." *See* ECF No. 63. Accordingly, it is unclear what Plaintiff's proper mailing address is.

<sup>4</sup> Objections to the R & R were due by May 23, 2022. *See* ECF Nos. 61 & 62.